IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

Bail Appl..No. 4622 of 2007()

CRMP.1678/2007 of DISTRICT COURT, ALAPPUZHA
CRIME NO.224 OF 2007 OF AROOR POLICE STATION

.....

PETITIONER : ACCUSED

VIPIN,S/O.VINCENT,AGED 24 YEARS,
VETTIPPOKKUTHARA,WARD NO.VIII,
AROOR PANCHAYATH,CHANDIROOR P.O,CHERTHALA.

BY ADV. SRI.JOBY CYRIAC

RESPONDENTS: COMPLAINANT AND STATE

STATE OF KERALA REPRESENTING
SUB INSPECTOR OF POLICE,AROOR POLICE STATION,
REP.BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No. 4622 of 2007

Dated this the 31st day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Section 308 I.P.C. He is alleged to have caused simple injuries to the defacto complainant by hitting him with an `Idikkatta'.

2. The learned Public Prosecutor submits that the petitioner is not required to be arrested now, investigation having been completed and the final report having already been filed. It is for the petitioner to appear before the learned Magistrate and seek regular bail in the ordinary course, submits the learned Public Prosecutor.

3. I find merit in the opposition by the learned Public Prosecutor. I find no features in this case, which would justify the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This is a fit case where the petitioner must resort to the ordinary and normal procedure of appearing before the learned Magistrate and seek regular bail in the ordinary course.

4. This application for anticipatory bail is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of

the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-